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09/786,818	03/09/2001	Youichi Tanibayashi	9683/82	6699

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EXAMINER
D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
2683	11

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01 June 2004*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8,10,11 and 14-69* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *7,8,10,11 and 14-22* is/are allowed.

6) ☒ Claim(s) *1-3, 5-6, 23-27, 29-32, 35-44, 47-59, 62-66 and 69* is/are rejected.

7) ☒ Claim(s) *4,28,33,34,45,46,60,61,67 and 68* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 6-1-04 have been fully considered but they are not persuasive:

1. The applicant's has overcome the objection to the Abstract and USC 112 rejection.

2. The applicant argues that Hashimoto does not teach a converting step from original format to another/first format capable of being handled by a first computer. The examiner disagrees since he interprets the prior art as providing a system that is an "intermediary" between two users and thus provides a converting step – for example, a portable user can know the position of a third party by inquiring via the central system said third party's whereabouts (see Abstract). This would require the system to determine said third party's location (via any locator means disclosed) and send the location information to the portable user - in a format the user can receive/decode - which requires a converting step. The examiner notes that Hashimoto's system determines a location (eg. via GPS as shown in figure 1) and can depict it on a map which requires conversion from GPS LAT/LONG data to map representation (figure 3 shows LAT/LONG while figures 9-10 show multiple representations that have been converted and/or screens which would display a map – also see figure 4, s14-s15 which discloses converting location to a map representation). Lastly, the examiner notes that converting from LAT/LONG to a second "positional" format is not a novel process and is well known in the art – eg. one can convert LAT/LONG to a map, to a country, etc..

3. The applicant argues that Hashimoto teaches away from conversion. The examiner disagrees because Hashimoto can support multiple location determination systems (ie. GPS, PHS BTS, radio market, etc. – see Abstract) and can provide this data on a map which requires conversion from raw location data (eg. LAT/LONG) to a specific map and its location on said map (abstract and figure 1 – also see #2 above)

4. The applicant argues that determining a precision is not taught. The examiner disagrees since Hashimoto teaches location determination that precisely determines a user's position via well known methods (eg. GPS, radio markers, etc.) and use of computer systems (figure 1, Central System #10, home terminal #32, portable terminal #11, etc.). These teachings combine to read on the user's claim.

5. All other arguments referring to the remaining independent claim recite the same arguments and are therefore discussed above.

6. The amendment overcomes the examiner's rejection for claims 7-8, 10-11, 14-22, hence these claims are allowed. NOTE: Claims 23 and 24 are REJECTED since they refer to claim 1 which stands rejected.

7. New claims 57-69 stand rejected/objected as discussed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-8, 11, 12, 15-27, 29-32, 35-44 and 47-56, 57 and 63rejected under

35 U.S.C. 103(a) as being unpatentable over Hashimoto, and further in view of Tell et

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al. US 5,774,802 and Cox et al. US 6,580,904 (hereafter Hashimoto, Tell, Cox).

As per claims 1, 5, 25, 29, 31 and 43, 57 and 63, Hashimoto teaches a location transmittal method for transmitting to a predetermined computer of location information of a mobile communication terminal obtained on a mobile communication network which contains mobile communication terminals capable of wireless communication (title, abstract), said computer to which said location information is transmitted to a plurality of computers including a first computer capable of handling said location information in a first representational format (figure 1, #32 and claim 3, page 46), said location information notifying method comprising:

a location information generating step of detecting the position of said mobile communication terminal and generating the location information thereof (figure 1, #10 is central system and #26/#27 are position providing units);

a location information converting step wherein, in the event of transmitting said location information to said first computer, said location information is converted from an original representational format into said first representational format, and in the event of making notification of location information to said second computer, said location information is converted from said original representational format into said second representational format (abstract and figure 2 teach multiple means for determining location and page 7, L21 to page 12, L6) and

capable of handling said location information in a second representational format (Abstract teaches position determination via several methods including GPS, PHS terminal locations, radio markers and district maps AND transmitting data to Central System via Radio or PHS formats [see link between remote #11 and #23 or #24 which

infers two different communications formats]). The examiner interprets the invention's
ability of determining location via several methods as reading on different formats since
GPS would yield LAT/LONGs while PHS terminal locations, radio markers or a map
would yield a different format – Hashimoto teaches LAT/LONG, Compass Heading,
Position Heading and/or use of a physical map, see figures 3-4 for "Map", and figure 9a,
#2 and figure 9b, #2/#3 for LAT/LONG and Compass/Position) and a second computer
(see claim 12, page 48 teaches a "third party" which reads on a second computer) **but
is silent on**

a location information notifying step of notifying said computers of said location
information with the representational format thereof converted.

Tell teaches location determination whereby the <u>location</u> cache also supports a
subscription service, allowing applications to subscribe for <u>automatic notification</u> of
detected <u>location</u> changes for any particular subscriber. The subscription service is
useful for real time applications such as Fleet Management (C4, L21-34). **Cox** teaches
a different embodiment whereby a directory assistance agent can locate a user
(abstract) and send them directions in multiple formats based on said location (C3, L66
to C4, L11).

With further regard to claim 5, Hasimoto's invention teaches multiple ways to
determine an exact position of the user to certain degrees (radio markers being the
most precise, GPS LAT/LONG being less precise) which reads on providing location
data with a needed precision <u>and location is indicative of location of mobile, wherein the
computer is configured to provide position related data to the mobile and converting
location information to determined precision</u> (see page 8, L21 to page 9, L3).

With further regard to ~~claim 7~~ ***and 32,*** Hasimoto teaches the wireless device
determining location and transmitting the data to the Central System (abstract, figure 1
and page 10, L15-20). Receivers are inherent in RF systems.

~~***With further regard to claim 11,*** Hasimoto teaches a home terminal (figure 1,
#32) that can receive position data which reads on use of a "request signal" (page 11,
L11-16 as does an "information offer" described on page 11, L17 to page 12, L6).~~

With further regard to claim 29, 31, 43, Hashimoto's teaching of a Central
System (figure 1, #10) is interpreted by the examiner as a second location information
unit since it provides data to the home terminal #32 <u>and location information is
configured to determine level of precision needed and/or comprising use of identification
information</u>. The mobile unit is the first location unit since it can determine its own
position.

It would have been obvious to one skilled in the art at the time of the invention to
modify Hashimoto, such that notification is supported, to provide automatic location
updates to a monitoring site.

As per claims 2 and 26, Hashimoto teaches Claim 1/25, wherein said mobile
communication network comprises a plurality of mobile communication networks
including a first mobile communication network and a second mobile communication
network with differing representational formats for location information generated
thereby; wherein said location information generating step generates, on one hand, the

location information of a mobile communication terminal belonging to said first mobile communication network in a third representational format, and, on the other hand generates the location information of a mobile communication terminal belonging to said second mobile communication network in a fourth representational format; AND wherein, in the event of notifying said location information of said mobile communication terminal belonging to said first mobile communication network to said computers, said location information is converted in said location information converting step from said third representational format into a representational format which said computers are capable of handling, and on the other hand, in the event of notifying said location information of said mobile communication terminal belonging to said second mobile communication network to said computers, said location information is converted in said location information converting step converts from said fourth representational format into a representational format which said computers are capable of handling (abstract and figure 1 show that position can be determined/represented in multiple ways and there are at least two different communication links between the mobile #11 and Central System #10 which reads on third, fourth, etc. methods, formats and computers, also see page 7, L21 to page 12, L6).

As per claims 3, 6, 27 and 30, Hashimoto teaches claim 1/5/25/29, wherein said first and said second representational formats are one of:
a format representing latitude and longitude information (figure 9a, #2 and #3);
a format representing an administrative district (abstract teaches a map is used for a specific district).

As per claim 8, Hasimoto teaches a location information notifying method according to Claim 7, wherein said notifying step includes:
--method of said location information from said computer, and notifying said generated location information for said predetermined data sequence prior to said notified computer (page 10, L15-20 teaches providing position data (eg. notifying) to the Central System.
——But is silent on notifying to said mobile communication terminal the adding.
Tell teaches location determination whereby the location cache also supports a subscription service, allowing applications to subscribe for automatic notification of detected location changes for any particular subscriber. The subscription service is useful for real-time applications such as Fleet Management (C4, L21-34).
It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that notification is supported, to provide automatic location updates to a monitoring site.

As per claims 42 and 44, Hashimoto teaches claim 11/43, further comprising:
an identification information adding step of adding identification information of said mobile communication terminal to said data transmitted from said mobile communication terminal to said computer (page 26, L13-22 teaches use of an ID), and transmitting to said computer;

wherein said location information generating step determines the mobile communication terminal for which said location information to be generated and generates said location information, based on said identification information contained in said request signal from said computer (page 26 L13 to page 27, L6 teaches use of ID to locate another and would be used for the present mobile as well).

As per claims 2~~1~~, 41 and 53, Hashimoto teaches either Claim 7or11/31/43, further comprising:
an input screen and/or buttons (figures 10a, 10c and 10d have input screens/buttons) transmitting step of transmitting input screen data for inputting to said ·mobile communication terminal specified location information which the user of said mobile communication terminal can specify (page 43, L4-11 teaches using screen/buttons for inputting/controlling navigation services); and
a specified location information receiving step of receiving from said mobile communication terminal said specified location information input by said user (figure 4 describes process of requesting/acquiring position);
wherein said location information notifying step notifies said computer of said specified location information received in said specified location information receiving step, along with said location information generated in said location information generating step (figure 4 shows acquiring position based on request).

As per claims 2~~2~~, 42 and 54, Hashimoto teaches either Claim 7or11/31/43, wherein said mobile communication terminal comprises position measuring means for measuring its own position (abstract, figure 1);
wherein said location information method comprises a measured location information receiving step of receiving from said mobile said mobile communication terminal and generating the location information thereof (figures 2 and 4, figure 1, #10 is central system and #26/#27 are position providing units);
a location information representational format converting unit which (figure 1, #32 and claim 3, page 46), in the event of transmitting said location information to said first computer, converts said location information from said representational format which is generated into said first representational format, and in the event of notifying said location information to said second computer, said location information is converted from said generated representational format into said second representational format (Abstract teaches position determination via several methods including GPS, PHS terminal locations, radio markers and district maps AND transmitting data to Central System via Radio or PHS formats [see link between remote #11 and #23 or #24 which infers two different communications formats]). The examiner interprets the invention's ability of determining location via several methods as reading on different formats since GPS would yield LAT/LONGs while PHS terminal locations, radio markers or a map would yield a different format – Hashimoto teaches LAT/LONG, Compass Heading, Position Heading and/or use of a physical map, see figures 3-4 for "Map", and figure 9a, #2 and figure 9b, #2/#3 for LAT/LONG and Compass/Position) and a second computer (see claim 12, page 48 teaches a "third party" which reads on a second computer); and

but is silent on a first location information notifying unit for notifying said computer of said location information with the representational format thereof converted.

Tell teaches location determination whereby the <u>location</u> cache also supports a subscription service, allowing applications to subscribe for <u>automatic notification</u> of detected <u>location</u> changes for any particular subscriber. The subscription service is useful for real time applications such as Fleet Management (C4, L21-33).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that notification is supported, to provide automatic location updates to a monitoring site.

As per claims 23 and 55, Hashimoto teaches either claims 1, 5, 7 or 11/25, 29, 31 or 43 wherein said computer is an information providing server for providing said mobile unit with position related information relating to the position of said mobile terminal (figure 1, both the mobile, #11 or the Central System computer #10 can provide location data).

As per claims 24 and 56, Hashimoto teaches either claims 1, 5, 7, 11/25, 29, 31 or 43 wherein said mobile unit is a cell phone (figure 1 shows a cellular network and figures 10c-d show a cell phone, see page 42, L18-20).

<u>Claims 15-20, 35-40 and 47-52</u> rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto/Tell/Cox and further in view of Kingdon et al. US 6,138,003 (hereafter Kingdon).

As per claims 15, 35 and 47, Hashimoto teaches claim 7or11/31/43 **but is silent on** further comprising:

a notification permission/non-permission determining step of determining whether or not said location information may be notified to said computer;

wherein said location information notifying step notifies said location information based on the determination result in said notification permission/non-permission determining step.

Kingdon teaches A telecommunications system and method is disclosed which performs authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network. The various checks involve ensuring that the requesting agency has authorization to request positioning of mobile terminals, determining whether positioning of mobile terminals is allowed within the cellular network that the mobile terminal is currently located in, verifying the authenticity of the identity of the mobile positioning center, ascertaining whether the mobile subscriber has allowed the requesting agency to <u>position</u> the mobile terminal, and confirming that all relevant criteria for positioning have been met by both the mobile subscriber and the requesting agency (abstract and C1, L13 to C2, L18).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that location is not transmitted unless authorized, to provide security measures to allow only authorized users to receive location data.

As per claims 16, 36 and 48, Hashimoto teaches claim 15/35/47, **but is silent on** wherein disclosure information regarding whether or not a computer is to have said location information disclosed thereto is stored in predetermined storing means beforehand;

and wherein said notification permission/non-permission determining step makes said determination by referring to said disclosure information stored by said storing means with regard to said computer which is to have said location information disclosed thereto.

Kingdon teaches performing authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network. The various checks involve ensuring that the requesting agency has authorization to request positioning of mobile terminals, determining whether positioning of mobile terminals is allowed within the cellular network that the mobile terminal is currently located in, verifying the authenticity of the identity of the mobile positioning center, ascertaining whether the mobile subscriber has allowed the requesting agency to <u>position</u> the mobile terminal, and confirming that all relevant criteria for positioning have been met by both the mobile subscriber and the requesting agency (abstract and figures 4-5 inherently require data to be stored/accessed to perform authorization).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that permissions are stored beforehand, to provide means for the system to check a database/storage area for speedy authorization.

As per claims 17, 37 and 49, Hashimoto teaches Claim 16/36/48 **but is silent on** wherein said disclosure information is stored in said predetermined storing means beforehand for each mobile communication terminal;

and wherein said notification permission/non-permission determining step makes said determination by referring to said disclosure information stored by said storing means with regard to said computer which is to have said location information disclosed thereto.

Kingdon teaches authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network. The various checks involve ensuring that the requesting agency has authorization to request positioning of mobile terminals, determining whether positioning of mobile terminals is allowed within the cellular network that the mobile terminal is currently located in, verifying the authenticity of the identity of the mobile positioning center, ascertaining whether the mobile subscriber has allowed the requesting agency to <u>position</u> the mobile terminal, and confirming that all relevant criteria for positioning have been met by both the mobile subscriber and the requesting agency. The examiner interprets that various part of the above process will be stored before hand in order for the process to operate correctly/efficiently (eg. a user would require beforehand who can/cannot contact them).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that notification is supported, to provide automatic location updates to a monitoring site.

As per claims 18, 38 and 50, Hashimoto teaches Claim 15/35/47, **but is silent on** wherein said notification permission/non-permission determining step comprises:
a step of making an inquiry to said mobile communication terminal regarding whether or not said location information may be notified to said computer; and
a step of making said determination based on response information from said mobile communication terminal to said inquiry.
Kingdon teaches authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network (abstract).   The examiner interprets either a central controller (or mobile) as providing the authorization.
It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that an inquiry to a mobile/computer occurs, to provide means for the mobile (or computer) to authorize whether its location should be divulged or not.

As per claims 19, 39 and 51, Hashimoto teaches Claim 15/35/47 **but is silent on** wherein terminal information, relating to whether or not said location information may be disclosed outside of said mobile communication network with regard to a mobile communication terminal, is stored in predetermined storage means beforehand;
and wherein said notification permission/non-permission determining step makes said determination by referring to terminal information stored in said storage means with regard to said mobile communication terminal relating to said location information of which notification is to be made.
Kingdon teaches authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network. The various checks involve ensuring that the requesting agency has authorization to request positioning of mobile terminals and <u>determining whether positioning of mobile terminals is allowed within the cellular network that the mobile terminal is currently located in</u> which reads on the claim (abstract).
It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that storing beforehand whether location should be disclosed outside of the mobile network, to provide quick lookup for authorizing whether a unit's location should be provided to anyone (inside/outside the network).

As per claims 20, 40 and 52, Hashimoto teaches Claim 15/35/47 **but is silent on** further comprising an error signal transmitting step of, in the event that it has been determined that transmission is not permissible in said notification permission/non-permission determination step, transmitting a transmission error signal to said mobile communication terminal or said computer to the effect that said location information may not be notified.

Kingdon teaches authorization checks prior to allowing a <u>location</u> service to <u>position</u> a mobile terminal within a cellular network (abstract) that transmits a "denial message" (eg. error signal) if location determination is not permitted (figure 3, #320).

It would have been obvious to one skilled in the art at the time of the invention to modify Hashimoto, such that an error message is transmitted, to provide feedback that authorization is/is not granted to a requestor.

<u>As per claims 58 and 66, Hashimoto teaches converting the location information comprises determining the level of precision of the location information needed by the computer and converting to the needed level of precision (Abstract teaches use of various location methods that can be converted to other methods whereby the best precision is provided and therefore reads on the claim).</u>

<u>As per claim 59, Hashimoto teaches determining the format needed by the computer and converting to the needed format (abstract teaches means to convert from any one format to another).</u>

<u>As per claims 62 and 64, Hashimoto teaches relaying data between the terminal and computer network wherein the computer is configured to provide data to said mobile in response to a request (figure 1 shows communications network/paths that transmits location data to the requestor, abstract).</u>

<u>As per claim 65, Hashimoto teaches converting device configured to identify a predetermined format for the location of the information that is compatible with the second computer (Abstract teaches the system can convert GPS data to map data and/or any location data into map data – one skilled would provide this conversion either automatically or via a message/indicator signaling conversion required).</u>

<u>As per claim 69, Hashimoto teaches wherein the first computer is a gateway server and the second computer is an information provider server (figure 1 shows a central computer #10 as well as portable unit/home terminal #11/#32 connected via wireless/wired paths/gateways).</u>

Allowable Subject Matter

1. Claims 7-8, 10-11, 14-22 allowed.

2. Claims 4, 28, 33-34, 45-46, 60-61 and 67-68 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
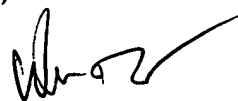
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
6-10-04

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